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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,779	09/08/2005	Sebastian Kaefer	11150/89	8222
26646 7590 02/19/2010 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER TRAN, DIEM T				
ART UNIT 3748		PAPER NUMBER		
MAIL DATE 02/19/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,779

Applicant(s)

KAEFER ET AL.

Examiner

DIEM TRAN

Art Unit

3748

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-70 and 72-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-69 is/are allowed.
- 6) ☒ Claim(s) 70 and 72-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the amendment filed on 11/5/09. In the amendment, claims 70, 72, 73, 80, 81 have been amended, claims 1-36, 71 have been canceled and claims 82-84 have been added. Overall, claims 37-70, 72-84 are pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 70, 72-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al. (US Patent 5,813,224) in view of Tarabulski et al. (US Patent 5,809,775).

Regarding claims 70, 73, 74, 80, 81, Rao discloses a method for dosing and transporting dry urea from a storage vessel to a processing location, the urea present in the form of pellets, comprising: isolating the pellets; with a portioning element having at least one receiving element (76) and transferring the pellets to a carrier air stream (76b) (see Figures 7, 8); however, fails to disclose at least one receiving element adapted to receive one pellet. Tarabulski teaches at least one receiving element adapted to receive one pellet urea (see col. 8, lines 16-19).

It would have been obvious to one having ordinary skill in the art, to have utilized the teaching of Tarabulski in the system of Rao, since the use thereof would have been conventional in the art to provide effectively dry urea to a processing location.

Regarding claims 72, 75-77, Rao further discloses that the transferring includes bringing up the receiving element to a compressed air nozzle and blowing the pellet out from the receiving element (see Figure 7, col. 10, lines 19-24).

Regarding claims 78, 79, the modified Rao method discloses all the claimed limitations as discussed in claim 76 above, however, fails to disclose that the pressure in the transport line is greater by 0.1 to 1.0 bar than environmental pressure at an end of the transport line.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide specific optimum range of pressure in the transport line being greater by 0.1 to 1.0 bar than environmental pressure, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claims 82, 84, Tarabulski further teaches that the pellets are transferred to the carrier air stream in a transport line configured to maintain isolation of the pellets from each other (see Figure 3).

Regarding claim 83, Tarabulski further teaches that the transport line includes a slightly larger cross section than a maximum size of the pellets (see Figure 3).

Allowable Subject Matter

Claims 37-69 are allowed.

Response to Arguments

Applicant's arguments filed on 11/5/09 have been fully considered but they are not deemed persuasive. Applicant has argued that Tarabulski fails to teach one receiving element adapted to receive one pellet. The Examiner respectfully disagrees, since Tarabulski teaches that one receiving element (111) is adapted to receive one prill (see Figure 3, col. 8, lines 13-18).

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication from the examiner should be directed to Examiner Diem Tran whose telephone number is (571) 272-4866. The examiner can normally be reached on Monday -Friday from 8:30 a.m.- 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) 272-4859. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 800-786-9199 (toll-free).

/Diem Tran/
Patent Examiner

/Thomas E. Denion/
Supervisory Patent Examiner, Art Unit 3748